

MICV2004-01525
Spiniello Companies v Brico Industries Inc. et al

File Date	04/09/2004	Status	Disposed: transfered to other court (dtrans)
Status Date	09/07/2004	Session	F - Cv F (10A Cambridge)
Origin	1	Case Type	A02 - Goods sold/delivered under contract
Lead Case		Track	F

Service	07/08/2004	Answer	09/06/2004	Rule12/19/20	09/06/2004
Rule 15	09/06/2004	Discovery	02/03/2005	Rule 56	03/05/2005
Final PTC	04/04/2005	Disposition	06/03/2005	Jury Trial	No

PARTIES

Plaintiff
Spiniello Companies
12 E. Daniel Road
Active 04/09/2004

Private Counsel 444920
Charles E Schaub Jr
Hinckley Allen & Snyder
28 State Street
Boston, MA 02109-1775
Phone: 617-345-9000
Fax: 617-345-9020
Active 04/09/2004 Notify

Private Counsel 650945
Jeremy Blackowicz
Hinckley Allen & Snyder
28 State Street
Boston, MA 02109-1775
Phone: 617-345-9000
Fax: 617-345-9020
Active 04/09/2004 Notify

Defendant
Brico Industries Inc.
P.O. Box 48776
Served: 04/15/2004
Answered: 06/01/2004
Answered 06/30/2004

Private Counsel 160830
Thomas C Federico
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-439-7590
Active 06/01/2004 Notify

Private Counsel 640970
Grace V Bacon
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-737-8822
Fax: 617-342-4914
Active 09/07/2004 Notify

Commonwealth of Massachusetts
MIDDLESEX SUPERIOR COURT
Case Summary
Civil Docket

09/07/2004
01:44 PM

MICV2004-01525
Spiniello Companies v Brico Industries Inc. et al

Defendant

Victaulic Company Of America
P.O. Box 31
4901 Kesslersville Road
Served: 05/05/2004
Dismissed by agreement of parties 08/30/2004

*** See Attorney Information Above ***

ENTRIES

Date	Paper	Text
04/09/2004	1.0	Complaint & civil action cover sheet filed
04/09/2004		Origin 1, Type A02, Track F.
05/21/2004	2.0	SERVICE RETURNED: Victaulic Company Of America(Defendant) 5/5/04 in hd
06/01/2004	3.0	ANSWER: Brico Industries Inc.(Defendant) and jury claim
06/02/2004	4.0	Defendant Victaulic Company Of America's MOTION to Dismiss (MRCP 12b) Complaint, memo in support of
06/30/2004	5.0	SERVICE RETURNED: Brico Industries Inc.(Defendant) 4/15/04 Cert Mail
08/30/2004	6.0	Stipulation of partial dismissal as to Victaulic Company Of America, without prejudice, without costs andwithout right of appeal.
09/07/2004	7.0	Case REMOVED this date to US District Court of Massachusetts by defendant Brico Industries, Inc
09/07/2004		ABOVE ACTION THIS DAY REMOVED TO US DISTRICT COURT

COMMONWEALTH OF MASSACHUSETTS

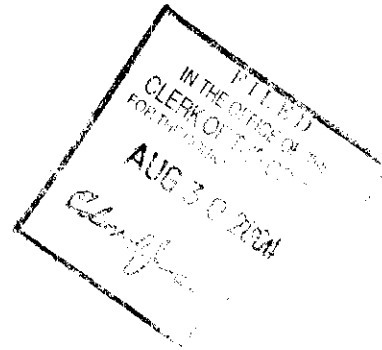
MIDDLESEX, SS

MIDDLESEX SUPERIOR COURT
CIVIL ACTION NO: 04-1525

SPINIELLO COMPANIES,
Plaintiff,

v.

BRICO INDUSTRIES, INC. and
VICTAULIC COMPANY OF AMERICA,
Defendants.

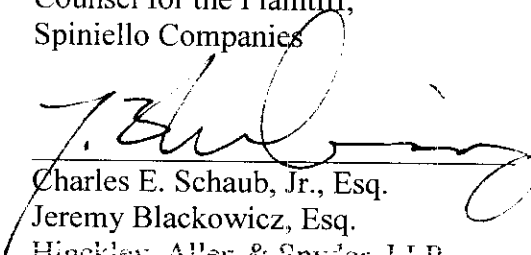



STIPULATION OF DISMISSAL AGAINST VICTAULIC COMPANY OF AMERICA

The parties to the above-entitled action, pursuant to Mass. R. Civ. P. 41(a)(i)(ii), hereby stipulate that the claim brought by the plaintiff, Spiniello Companies, against the defendant, Victaulic Company of America, be dismissed without prejudice, without cost, and without right of appeal.

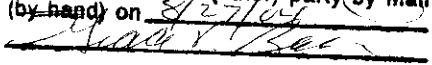
Counsel for the Plaintiff,
Spiniello Companies

Counsel for Defendants,
Brico Industries, Inc. and Victaulic Company of America


Charles E. Schaub, Jr., Esq.
Jeremy Blackowicz, Esq.
Hinckley, Allen & Snyder, LLP
28 State Street
Boston, MA 02109
Tel. (617) 345-9000


Thomas C. Federico, BBO #160830
Grace V. Bacon, BBO #640970
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
Tel. (617) 439-7500

Date: 8/27/04

I hereby certify that a true copy of the
above document was served upon (each
party appearing pro se and) the attorney
of record for each (other) party by mail
(by hand) on 8/27/04


TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —
TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. 04-1525F

MIDDLESEX, ss
[seal]

Spiniello Companies

....., Plaintiff(s)

v.

Brico Industries Inc. and
Victaulic Company of America
....., Defendant(s)

SUMMONS

BRICO INDUSTRIES INC., DIV. OF VICTAULIC COMPANY OF
To the above-named Defendant: AMERICA; P.O. Box 48776, Atlanta, GA

You are hereby summoned and required to serve upon JEREMY BLACKOWICZ, ESQ., OF
HINCKLEY, ALLEN & SNYDER LLP plaintiff's attorney, whose address is 28 STATE STREET
BOSTON, MASSACHUSETTS 02109

....., an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at
CAMBRIDGE, MASSACHUSETTS either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at BOSTON
the FOURTEENTH day of APRIL
....., in the year of our Lord 2004

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.